

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(213 Rosewood Avenue)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
1 st Council District		
David & Yvonne Lienhard	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2020-0108-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION AND
ORDER OF DISMISSAL

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County. The Petitioners (David and Yvonne Lienhard) originally filed an Administrative Variance for property located at 213 Rosewood Avenue. The relief was requested from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a rear yard addition with a 15 ft. rear setback in lieu of the required 30 ft. setback and a side yard setback of 9 ft. in lieu of the required 10 ft.

By Opinion and Order dated May 27, 2020, the undersigned granted the Administrative Variance request in accordance with the site plan and documentation within the case file.

On May 29, 2020, Bradley and Laura Wheaton, who reside at 211 Rosewood Avenue, filed via e-mail a Motion for Reconsideration of the May 27, 2020 Opinion and Order. In the Motion, they documented their efforts to submit timely written objection to the requested variance relief. *See*, Motion for Reconsideration, attached as Exhibit 1 to this Order. They also attached the documentation that they had timely mailed via regular mail, as well as by e-mail to the Zoning Office (on May 21, 2020, four days prior to the deadline for submitting comments). Protestants’ Exhibits raised concern that their information was not originally contained in the case file. In addition, they are opposing Petitioner’s request because their property lies downslope from

Petitioners and indicated they would suffer from the additional stormwater runoff.

In addition, on June 1, 2020, an e-mail was received from Patrick (“Rick”) Richardson requesting a correction in the body of the May 27, 2020 Opinion and Order (paragraph 1) to reflect the accurate Petitioners.

On June 4, 2020, correspondence was received from Patrick C. Richardson, Jr., P.E., on behalf of the Petitioners, requesting to dismiss the zoning case as owners have decided that they are not going forward with the construction of the addition and wished to withdraw their request.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 22nd day of **June, 2020**, that the request of Patrick (“Rick”) Richardson on behalf of Petitioners, to correct paragraph 1 of the May 27, 2020 Opinion and Order to reflect the accurate Petitioners, be and is hereby **GRANTED** and shall be revised as follows:

“This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, **David and Yvonne Lienhart** (“Petitioners”). [Emphasis Added]

IT IS FURTHER ORDERED that the Petition for Variance filed in the above captioned matter, be and is hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Motion for Reconsideration, be and is hereby **MOOT**.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

Signed
PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw